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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY:

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Attorneys for Plaintiff  
United States of America

## UNITED STATES DISTRICT COURT

## SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Civil No.

Plaintiff,

v.

**08 CV 0394 WQH CAB**  
EX PARTE MOTION TO APPOINT  
THE U.S. CUSTOMS AND BORDER  
PROTECTION AS CUSTODIAN AND  
TO DEPOSIT DEFENDANTS IN  
SEIZED ASSETS DEPOSIT ACCOUNT  
AND TO SUBSTITUTE THE RES

SIGNED PERSONAL CHECK NO.730  
OF YUBRAN S MESLE, DRAWN  
FROM BANK OF AMERICA ACCOUNT  
NO. 09672 67676 IN THE  
AMOUNT OF \$240,000.00 IN  
U.S. CURRENCY;

SIGNED PERSONAL CHECK NO.1004  
OF YUBRAN S MESLE, DRAWN  
FROM WELLS FARGO BANK ACCOUNT  
NO. 3572585739 IN THE AMOUNT  
OF \$5,000.00 IN U.S. CURRENCY;

SIGNED PERSONAL CHECK NO.1040  
OF YUBRAN S MESLE, DRAWN  
FROM BANK OF AMERICA ACCOUNT  
NO. 24547 67190, NO AMOUNT  
STATED;

\$197,031.14 IN U.S. CURRENCY  
SEIZED FROM BANK OF AMERICA  
ACCOUNT NO. 09672 67676 ON  
FEBRUARY 22,2008;

\$1,598.21 IN U.S. CURRENCY  
SEIZED FROM WELLS FARGO BANK  
ACCOUNT NO. 3572585739 ON  
FEBRUARY 22,2008.

Defendants.

GR

1 COMES NOW the Plaintiff, United States of America, and moves  
2 this Court, pursuant to General Order 273 issued by this Court,  
3 for an order appointing the United States Customs and Border  
4 Protection as custodian of the Defendant upon execution of the  
5 warrant of arrest in rem. In support of this motion, Plaintiff  
6 states as follows:

7 1. The United States Customs and Border Protection has been  
8 staffed with personnel experienced in providing for the management  
9 of properties such as the Defendants in this case.

10 2. The United States Customs and Border Protection  
11 has consented to assume responsibility for the protection,  
12 maintenance, and safety of the Defendants during the period the  
13 same remains in custodia legis.

14 3. The continued custody of the United States Customs and  
15 Border Protection following execution of the warrant of arrest in  
16 rem is necessary and in the best interests of the Plaintiff in  
17 this case, given the nature of the Defendants and the expertise  
18 within the United States Customs and Border Protection to provide  
19 for the management, protection and preservation of the Defendants.

20 4. The United States Customs and Border Protection has  
21 established an account, the Seized Assets Deposit Account, for the  
22 deposit of seized currencies until further order of the Court. It  
23 is further requested that the United States Customs and Border  
24 Protection place the Defendants in the Seized Assets Deposit  
25 Account administered by the United States Customs and Border  
26 Protection. In the event any of the Defendants are ordered to be  
27 returned to any claimant, the Court may order the payment of  
28 interest thereon. Depositing seized currencies in such an account

1 is proper. See, United States v. \$57,480.05, 722 F.2d 1457 (9th  
2 Cir. 1984) (placing seized cash in bank account was not improper).  
3 The account credit of tangible dollars will constitute an  
4 appropriate substitute for the original Defendant currency (res).  
5 Id.

6 WHEREFORE, Plaintiff respectfully requests, pursuant to  
7 General Order No. 273, the appointment of the United States  
8 Customs and Border Protection as custodian and that the  
9 Defendants be deposited in the aforementioned account and the res  
10 be therefore substituted in this action.

11 DATED: March 3, 2008

12 KAREN P. HEWITT  
13 United States Attorney

14 BRUCE C. SMITH  
15 Assistant U.S. Attorney  
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